

EXHIBIT 5



2015-0010212

Recorded
Official Records
County of
Napa
JOHN TUTEUR
Assessor-Recorder-Cou
LS
01:42PM 24-Apr-2015 Page 1 of 7

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):
After recording return to:
John P. Reitman (SBN 80579), Jack A. Reitman
(SBN 283746); Landau Gottfried & Berger LLP;
1801 Century Park East, Suite 700, Los Angeles,
California 90067
TELEPHONE NO.: 310-557-0050
FAX NO. (Optional): 310-557-0056
E-MAIL ADDRESS (Optional): jareitman@lgbfirm.com
ATTORNEY FOR (Name): The Official Committee of Unsecured Creditors of Walldesign, Inc.

UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT OF CALIFORNIA
STREET ADDRESS: 411 W 4th Street, Courtroom 5D
MAILING ADDRESS: Santa Ana, California 92701
CITY AND ZIP CODE: Southern Division
BRANCH NAME:

PLAINTIFF: The Official Committee of Unsecured Creditors of Walldesign, Inc.

DEFENDANT: Michael Ru Bello, etc., et al.

NOTICE OF ATTACHMENT

[This form is used in connection with levy under a writ of attachment.]

FOR RECORDER'S USE ONLY

CASE NUMBER Case No. 8:12-bk-10105-CB
Chapter 11
Adv. No. 8:13-ap-01409-CB

LEVYING OFFICER (Name and Address):
U.S. MARSHAL
255 E. TEMPLE #364
LOS ANGELES, CA 90012

FOR COURT USE ONLY

TO THE PERSON NOTIFIED (name): Premier Trust, Inc, Trustee of the Irrevocable
Nancy Bello 2012 Trust dated December 19, 2012

1. Plaintiff in this action seeks to attach property in which defendant has an interest. The property to be attached is
 - a. ☒ (describe property): APN 030-190-002
8424 Saint Helena Highway, Napa, CA 94574
(Complete Legal Description attached hereto as exhibit "A")
 - b. ☒ described in the Writ of Attachment and Order for Issuance of Writ of Attachment, attached hereto and incorporated by reference.
2. You are notified as
 - a. ☐ a defendant.
 - b. ☒ a person other than defendant (state capacity in which person is being notified):
3rd party with an interest in subject property

(Read Information for Defendant or Information for Person Other than Defendant on reverse.)

3. A notice was filed with the
 - a. ☒ Secretary of State.
 - b. ☐ Department of Motor Vehicles.
 - c. ☐ Department of Housing and Community Development.

4. Notice of Attachment was
 - a. ☐ mailed on (date):
 - b. ☐ delivered on (date):
 - c. ☐ posted on (date):
 - d. ☐ filed on (date):
 - e. ☒ recorded on (date): 4-24-15

Signed by:

☒ Levying officer ☒ Registered process server

Page 1 of 2

CV-4C (12/03)
(AT-165 [Rev. January 1, 2003])

NOTICE OF ATTACHMENT
(Attachment)

Code of Civil Procedure,
§§ 482.030, 488.060

— INFORMATION FOR DEFENDANT —

1. The levying officer may be required to take custody of property described in item 1 in your possession or under your control. You have a right to be represented by an attorney in this lawsuit.
2. You may claim any available exemption for your property. An exemption for real property may be claimed any time before the entry of judgment. If the right to attach order or writ of attachment was issued without a noticed hearing and you wish to claim an exemption for personal property, you must do so within 30 days after the levying officer serves you with the Notice of Attachment describing the property. If you do not claim an exemption, you may lose it and the property is subject to attachment. If you wish to seek the advice of an attorney, you should do so immediately so that a claim of exemption can be filed on time.
3. Plaintiff has filed an undertaking. You have the right to object to the undertaking and may apply for an order to substitute an undertaking for your property which has been or is subject to being attached.
4. You have a duty to release tangible personal property to the levying officer. You have the rights and duties specified in Code of Civil Procedure section 488.395 if your farm products or inventory of a going business have been or are subject to attachment.
5. If the property is perishable or will greatly deteriorate in value, or for other good reason, you may apply ex parte, or if the court or court rule requires, by noticed motion, for an order appointing a receiver or directing the levying officer to take any action necessary to preserve the value of the property, including selling the property. The court may order any receiver to be paid from the proceeds of the sale of your property.
6. You may apply for a release of the attachment to the extent that the value of your interest in the property exceeds the amount necessary to satisfy the attachment.
7. You may apply to the court for an order modifying or vacating any temporary protective order in the interests of justice or for an order terminating the same upon filing an undertaking.
8. If the writ of attachment has been issued against you because you are a nonresident, you may have the right to attach order set aside by filing a general appearance.
9. If the writ of attachment was issued on an ex parte application, you may apply for an order that the right to attach order be set aside, the writ quashed, and any property levied upon pursuant to the writ be released.
10. If you recover judgment against plaintiff, you may apply for a release of all property attached by plaintiff under the Writ of Attachment. If judgment is recovered against you and you appeal, you have the right to obtain the release of your property by filing a sufficient undertaking.
11. You may object to the amount sought to be secured by the attachment.
12. You may recover damages for wrongful attachment.

— INFORMATION FOR PERSON OTHER THAN DEFENDANT —

1. If the property attached or sought to be attached is in your possession or under your control and you do not claim the right to possession or a security interest, you must deliver the property to the levying officer. If you do not deny an obligation levied upon or do not claim a priority over the plaintiff's lien, you must pay to the levying officer the amount that is due and payable and that becomes due and payable during the period of the attachment lien. You must execute and deliver any documents needed to transfer the property.
2. You must complete the accompanying Memorandum of Garnishee.
3. If you claim ownership or the right to possession of real or personal property levied upon or if you claim a security interest in or lien on personal property levied upon, you may make a third-party claim and obtain the release of the property pursuant to Code of Civil Procedure sections 720.010–720.800.
4. If you have an interest in the property attached or sought to be attached and the property is perishable or will greatly deteriorate in value, or for other good reason, you may apply ex parte, or if the court or court rule requires, by noticed motion, for an order appointing a receiver or directing the levying officer to take any action necessary to preserve the value of the property, including selling the property. The court may order any receiver to be paid from the proceeds of the sale of your property.
5. **Make checks payable to the levying officer.**

~~END OF DOCUMENT~~

EXHIBIT "A"

LEGAL DESCRIPTION

File No. T5160

COMMENCING at an iron pipe set in concrete tagged RCE 13442, said pipe marking the Southwesterly corner of Parcel 1 conveyed to John and Elma Klass on June 21, 1957 and recorded in Book 546 at page 375 of Official Records of Napa County, said pipe also being on the Northeasterly line of State Highway 29, and in the bottom of a drainage ditch; thence along said Northeasterly line of said Highway South 36° 00' East 156.64 feet to an iron pipe set in concrete tagged RCE 13442; thence leaving said highway line North 54° 15' East 1389.30 feet to an iron pipe set in concrete tagged RCE 13442 and set 8 inches below the ground surface; thence North 36° 05' West 156.64 feet to an iron pipe set in concrete in a drainage ditch tagged RCE 13442, said pipe being on the Southeasterly line of said Parcel 1 of the aforementioned Klass property; thence along said Klass property line South 54° 15' West 1389.30 feet, more or less, to the point of commencement.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address) John P. Reitman (SBN 80579), Jack A. Reitman (SBN 283746); Landau Gottfried & Berger LLP; 1801 Century Park East, Suite 700, Los Angeles, California 90067 TELEPHONE NO. 310-557-0050 E-MAIL ADDRESS (Optional) jareitman@lgbfirm.com FAX NO. (Optional) 310-557-0056 ATTORNEY FOR (Name) The Official Committee of Unsecured Creditors of Walldesign, Inc.	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT OF CALIFORNIA STREET ADDRESS: 411 W 4th Street, Courtroom 5D MAILING ADDRESS: Santa Ana, California 92701 CITY AND ZIP CODE: Santa Ana Division BRANCH NAME:	
PLAINTIFF: The Official Committee of Unsecured Creditors of Walldesign, Inc. DEFENDANT: Michael Ru Bello, etc., et al.	
WRIT OF ATTACHMENT <input checked="" type="checkbox"/> AFTER HEARING <input type="checkbox"/> EX PARTE	CASE NUMBER: Case No. 8:12-bk-10105-CB Chapter 11 Adv. No. 8:13-ap-01409-CB

1. ☐ TO THE UNITED STATES MARSHAL FOR THE CENTRAL DISTRICT OF CALIFORNIA
2. ☐ To any local or state law enforcement officer authorized to serve this writ in accord with CCP 488.080.
3. ☒ To any private person specially appointed by the court to serve this writ in accord with Local Rule 64-1, 64-2 & 64-3.
4. This writ is to attach property of defendant (name and last known address):
 All named Bello Defendants, including Michael Bello, Bello Family Vineyard, LLC, MB Investments, LLC, Christopher Bello, and RU Investments, LLC
 and the attachment is to secure: \$18,000,000.00
5. Name and address of plaintiff:
 The Official Committee of Unsecured Creditors of Walldesign, Inc.
 c/o Landau Gottfried & Berger, 1801 Century Park East, Suite 700, Los Angeles, California 90067; Attn: Jack A. Reitman
6. YOU ARE DIRECTED TO ATTACH the following property or so much thereof as is clearly sufficient to satisfy the amount to be secured by the attachment (describe property and state its location; itemize by letter):

☒ This information is on an attached sheet.

7. ☐ An interest in the real property described in item 5 stands upon the records of the county, in the name of the following person other than the defendant:
 - a. Name:
 - b. Mailing address, if known, as shown by the records of the office of the county tax assessor (specify):
8. ☐ The real property on which the

☐ crops described in item 5 are growing
☐ timber described in item 5 to be cut is standing stands upon the records of the county in the name of

 - a. Name:
 - b. Address:

[SEAL]

KATHLEEN J. CAMPBELL

Date: MAR 23 2015

Clerk, by

A. McCall, Deputy

Page 1 of 1

CV-4D (10/11)
(AT-135 (Rev. January 1, 2003))

WRIT OF ATTACHMENT
(Attachment)

Code of Civ. Proc., § 488.010

ORIGINAL

ATTACHMENT TO WRIT OF ATTACHMENT

PROPERTY TO BE ATTACHED:

The real properties commonly known as:

- (i) 608 1/2 Begonia Avenue, Corona Del Mar, California 92625, APN: 459-086-07;
- (ii) 929 Main Street, Saint Helena, California 94574, APN: 009-180-038-000;
- (iii) 8424 St. Helena Highway, Napa, California 94558, APN: 030-190-002;
- (iv) 78759 Platinum Drive, Palm Desert, California 92211, APN: 748-250-029;
- (v) 1758 Spring Street, Saint Helena, California 94574, APN: 009-313-045-000.

The property consisting of all wine and other goods held for the benefit of Bello Family Vineyard, LLC, at:

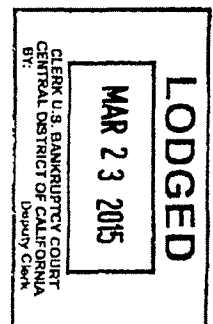
- (i) Rutherford Wine Studios, LLC dba The Ranch Winery, located at 105 Zinfandel Lane, St. Helena, California 94574; and,
- (ii) HPD Consolidation Inc. dba Valley Wine Warehouse, located at 175 Tower Road, American Canyon, California 94503 and 644 Hanna Drive, Suite B, American Canyon, California 94503.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): John P. Reitman (SBN 80579); jreitman@lgbfirm.com Jack A. Reitman (SBN 283746); jareitman@lgbfirm.com Landau Gottfried & Berger LLP 1801 Century Park East, Suite 700, Los Angeles, California 90067 TELEPHONE NO.: 310-557-0050 FAX NO.: 310-557-0056 ATTORNEY FOR (Name): The Official Committee of Unsecured Creditors of Walldesign, Inc.		FILED MAR 23 2015 CLERK U.S. BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA BY: Deputy Clerk	
NAME OF COURT: United States Bankruptcy Court, Central District of California STREET ADDRESS: 411 W 4th Street, Courtroom 5D MAILING ADDRESS: Santa Ana, California 92701 CITY AND ZIP CODE: Santa Ana Division BRANCH NAME:			ENTERED MAR 23 2015 CLERK U.S. BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA BY: Deputy Clerk
PLAINTIFF: The Official Committee of Unsecured Creditors of Walldesign, Inc. DEFENDANT: Michael Ru Bello, etc., et al.			
<input checked="" type="checkbox"/> RIGHT TO ATTACH ORDER AND ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT AFTER HEARING <input type="checkbox"/> ORDER FOR ISSUANCE OF ADDITIONAL WRIT OF ATTACHMENT AFTER HEARING		CASE NUMBER: Case No. 8:12-bk-10105-CB Chapter 11 Adv. No. 8:13-ap-01409-CB	

1. a. The application of plaintiff (name):
for ☒ a right to attach order and order for issuance of writ of attachment
☐ an order for issuance of additional writ of attachment
against the property of defendant (name):
came on for hearing as follows:
(1) Judge (name): Catherine E. Bauer
(2) Hearing date: March 18, 2015 Time: 10:00 a.m. ☒ Dept.: 5D ☐ Div.: ☐ Rm.:
- b. The following persons were present at the hearing:
(1) ☒ Plaintiff (name): The Official Committee of Unsecured Creditors of Walldesign, Inc. (3) ☒ Plaintiff's attorney (name): Jack A. Reitman
(2) ☒ Defendant (name): Michael Ru Bello (4) ☐ Defendant's attorney (name):

FINDINGS

2. THE COURT FINDS
- a. Defendant (specify name): is a ☐ natural person ☐ partnership
☐ unincorporated association ☐ corporation ☐ other (specify):
- b. The claim upon which the application is based is one upon which an attachment may be issued.
- c. Plaintiff has established the probable validity of the claim upon which the attachment is based.
- d. The attachment is not sought for a purpose other than the recovery on the claim upon which the attachment is based.
- e. The amount to be secured by the attachment is greater than zero.
- f. ☐ Defendant failed to prove that all the property described in plaintiff's application is exempt from attachment.
- g. ☐ The following property of defendant, described in plaintiff's application
(1) ☐ is exempt from attachment (specify):
(2) ☐ is not exempt from attachment (specify):
- h. ☐ The following property, not described in plaintiff's application, claimed by defendant to be exempt
(1) ☐ is exempt from attachment (specify):
(2) ☐ is not exempt from attachment (specify):
- i. ☒ An undertaking in the amount of: \$ 0.00 is required before a writ shall issue, and plaintiff
☐ has ☐ has not filed an undertaking in that amount.
- j. A Right to Attach Order was issued on (date): pursuant to
☒ Code of Civil Procedure section 484.090 (on hearing) ☐ Code of Civil Procedure section 485.220 (ex parte)
- k. ☐ Other (specify):



END OF DOCUMENT

Case 8:13-ap-01409-CB Doc 365 Filed 03/23/15 Entered 03/23/15 16:48:18 Desc
Main Document Page 2 of 2

SHORT TITLE: Committee v. Bello et al.

CASE NUMBER: Case No. 8:12-bk-10105-CB
Chapter 11
Adv. No. 8:13-ap-01409-CB

3. THE COURT ORDERS

ORDER

- a. Plaintiff has a right to attach property of defendant (name): All named Bello Defendants, including Michael Bello, Bello Family Vineyard, LLC, MB Investments, LLC, Christopher Bello, and RU Investments, LLC
in the amount of: \$ 18,000,000.00
- b. ☐ The property described in items 2g(1) and 2h(1) of the findings is exempt and shall not be attached.
- c. The clerk shall issue ☒ a writ of attachment ☐ an additional writ of attachment in the amount stated in item 3a
☒ forthwith ☐ upon the filing of an undertaking in the amount of: \$
(1) ☒ for any property of a defendant who is not a natural person for which a method of levy is provided.
(2) ☒ for the property of a defendant who is a natural person that is subject to attachment under Code of Civil Procedure section 487.010, described as follows (specify):

The real properties commonly known as:

- (i) 608 1/2 Begonia Avenue, Corona Del Mar, California 92625, APN: 459-086-07;
(ii) 929 Main Street, Saint Helena, California 94574, APN: 009-180-038-000;
(iii) 8424 St. Helena Highway, Napa, California 94558, APN: 030-190-002;
(iv) 78759 Platinum Drive, Palm Desert, California 92211, APN: 748-250-029;
(v) 1758 Spring Street, Saint Helena, California 94574, APN: 009-313-045-000.

The property consisting of all wine and other goods held for the benefit of Bello Family Vineyard, LLC, at:

- (i) Rutherford Wine Studios, LLC dba The Ranch Winery, located at 105 Zinfandel Lane, St. Helena, California 94574; and
(ii) HPD Consolidation Inc. dba Valley Wine Warehouse, located at 175 Tower Road, American Canyon, California 94503 and 644 Hanna Drive, Suite B, American Canyon, California 94503.

- (3) ☐ for the property covered by a bulk sales notice with respect to a bulk transfer by defendant or the proceeds of sale of such property, described as follows (specify):

- (4) ☐ for plaintiff's pro rata share of proceeds from an escrow in which defendant's liquor license is sold. The license number is (specify):

- d. ☐ Defendant shall transfer to the levying officer possession of
(1) ☐ any documentary evidence in defendant's possession of title to any property described in item 3c;
(2) ☐ any documentary evidence in defendant's possession of debt owed to defendant described in item 3c;
(3) ☐ the following property in defendant's possession (specify):

NOTICE TO DEFENDANT: FAILURE TO COMPLY WITH THIS ORDER MAY SUBJECT YOU TO ARREST AND PUNISHMENT FOR CONTEMPT OF COURT.

- e. ☐ Other (specify):

- f. Total number of boxes checked in item 3: 4

Date: MAR 23 2015

The Honorable Catherine E. Bauer, United States
Bankruptcy Judge for the Central District of California

(TYPE OR PRINT NAME)

(SIGNATURE OF JUDGE OR MAGISTRATE JUDGE)

CV-48 (12/03)

**RIGHT TO ATTACH ORDER AFTER HEARING AND ORDER
FOR ISSUANCE OF WRIT OF ATTACHMENT (Attachment)**

Page two